

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

THE COCA-COLA COMPANY, a
Delaware corporation,

Plaintiff,

v.

THE O-COMPANY N.V., a Netherlands
corporation,

Defendant.

Case No. 3:08-CV-0745

Chief Judge Campbell
Magistrate Judge Griffin

THE O-COMPANY N.V., a Netherlands
corporation,

Counterclaimant,

v.

THE COCA-COLA COMPANY, a
Delaware corporation,

Counterclaim-Defendant.

PLAINTIFF THE COCA-COLA COMPANY'S
MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL

Plaintiff The Coca-Cola Company ("TCCC"), by and through counsel, and pursuant to the Court's Administrative Practices and Procedures for Electronic Filing, respectfully moves this Court for an Order granting leave to file under seal TCCC's Motion for Summary Judgment, Statement of Facts in Support of its Motion for Summary Judgment, and exhibits 16-19, 21, and 24-32 attached to the Declaration of Robert N. Phillips, exhibits 24-26 attached to the supporting declaration of Julie Hamilton, and exhibits A and B attached to the supporting declaration of Javier Rodriguez Merino. As set out in the Practices and Procedures for Electronic Filing, the

proposed sealed motion, statement of facts, and exhibits are being filed with the Court immediately after the filing of this Motion.

WHEREFORE, TCCC respectfully requests that the Court enter an Order permitting it to file under seal its Motion for Summary Judgment, Statement of Facts in Support of its Motion for Summary Judgment, and the above referenced exhibits attached to the declarations of Robert N. Phillips, Julie Hamilton, and Javier Rodriguez Merino.

Dated: June 30, 2009

/s/ Robert N. Phillips

Robert N. Phillips

(*pro hac vice* motion granted)

Seth B. Herring

(*pro hac vice* motion granted)

HOWREY LLP

525 Market Street, Suite 3600

San Francisco, California 94105-2708

Tel.: (415) 848-4900

Fax: (415) 848-4999

phillipsr@howrey.com

Robb S. Harvey (BPR No. 011519)

Richard G. Sanders, Jr. (BPR No. 023875)

WALLER LANSDEN DORTCH & DAVIS, LLP

Nashville City Center

511 Union Street, Suite 2700

Nashville, Tennessee 32719-8699

Tel.: (615) 244-6380

Fax: (615) 244-6804

Walter.Crouch@wallerlaw.com

Robb.Harvey@wallerlaw.com

***Attorneys for Plaintiff and Counterclaim-
Defendant THE COCA-COLA COMPANY***

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following counsel of record, via the Court's Electronic Filing System, this 30 day of June, 2009. The parties may access the aforementioned filing through the Court's electronic filing system.

John F. Triggs
Ryan D. Levy
Waddey & Patterson
1600 Division Street, Suite 500
Nashville, TN 37203
Telephone: (615) 242-2400
Facsimile: (615) 242-2221
jft@iplawgroup.com
rdl@iplawgroup.com

Attorneys for Defendant,
Counterclaimant
THE O-COMPANY N.V.
[Local Counsel]

Mark L. Hogge
Shailendra K. Maheshwari
Greenberg & Traurig LLP
2101 "L" N.W., Street, Suite 1000
Washington D.C. 20037
hoggem@gtlaw.com
maheshwaris@gtlaw.com

Attorneys for Defendant and
Counterclaimant
THE O-COMPANY N.V.

/s/ Robert N. Phillips

Robert N. Phillips